

## **REMARKS**

In response to the above identified Final Office Action, the Applicants respectfully request reconsideration and review of the following remarks and the above amendments.

Applicants have amended claims 1, 8, 9, 16, 17, 20, and 27. Applicants have not added any claims or cancelled any claims. Accordingly, claims 1-30 remain pending in the application.

### **I. Amendment to the Specification**

Applicants amend the specification to correct a typographical error.

### **II. Interview Summary**

A telephone interview (“Interview”) took place between Examiner and the attorney for Applicants on January 25, 2007. Proposed claim amendments corresponding to those listed above were discussed. Examiner stated that he thought the amendments would overcome the art of record, although he had not reread the references thoroughly. He also explained that he was not certain whether or not new art might be found to form the basis of a new rejection. No agreement was reached and the proposed amendments were not entered after final.

### **III. Claims Rejected Under 35 U.S.C. § 112, First Paragraph**

Claims 1-30 stand rejected under 35 U.S.C. § 112, first paragraph, due to the language, “switching to a stream mode if a branch-to-mesocode transition is detected in one of the plurality of streams; and switching to a normal mode if a mesocode-to-branch transition is detected,” previously added to the independent claims, in amendments submitted in response to the office action of July 27, 2006. Applicants have herein amended the claims to remove this language. Accordingly, reconsideration and withdrawal of the rejection of these claims are requested.

#### **IV. Claims Rejected Under 35 U.S.C. § 112, Second Paragraph**

Claims 1-30 stand rejected under 35 U.S.C. § 112, second paragraph, due to the language, “switching to a stream mode if a branch-to-mesocode transition is detected in one of the plurality of streams; and switching to a normal mode if a mesocode-to-branch transition is detected,” previously added to the independent claims, in amendments submitted in response to the office action of July 27, 2006. Applicants have herein amended the claims to remove this language. Accordingly, reconsideration and withdrawal of the rejection of these claims are requested.

#### **V. Claims Rejected Under 35 U.S.C. § 102**

Claims 1-3, 6, 7, 9-11, 14, 15 and 17-19 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 6,988,190 issued to Park, et al. (hereinafter “Park”). Claims 1, 2, 6-10, 14-18, 20-22 and 25-29 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by “Fetching Instruction Streams” by Ramirez et al. (hereinafter “Ramirez”). Claims 1, 2, 6-10, 14-18, 20-22 and 25-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by “Exploiting Instruction Level Parallelism in Processors by Caching Scheduled Groups” by Nair et al. (hereinafter “Nair 1”). Claims 1, 2, 4-10, 12-18, 20-22 and 24-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,304,962 issued to Nair, et al. (hereinafter “Nair 2”).

To establish anticipation, Examiner must show that a cited reference teaches each of the elements of a claim. In regard to claims 1, 9, 17, 20, and 27, these claims as amended include “encoding each of the plurality of streams in an intermediate code format comprised of at least two alternative code formats.” Support for this amendment may be found in the specification at ¶¶ 0028-0030 and 0050-0052, and in Fig. 2 (block 14’). Applicants have been unable to discern any part of Park, Ramirez, Nair 1, or Nair 2 that teaches these elements of the independent claims

as currently amended. Nothing in the cited references teaches the use of an intermediate code format as described in the amended claims.

As indicated in the Interview Summary above, and in Examiner's Interview Summary mailed February 7, 2007, Examiner has also expressed that he believes these amendments would overcome the references. Accordingly, reconsideration and withdrawal of the anticipation rejection of these claims are requested.

In regard to claims 2-8, 10-16, 18-19, 21-22, 24-26, 28-29, and 30. These claims depend from independent claims 1, 9, 17, 20 and 27 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to the independent claims, these claims are not anticipated by the cited references. Accordingly, reconsideration and withdrawal of the anticipation rejection of these claims are requested.

#### **VI. Claims Rejected Under 35 U.S.C. § 103**

Claims 3, 7, 11, 15, 19, 23, 26, and 30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Nair 2.

To establish a *prima facie* case of obviousness, Examiner must show that the cited reference teaches or suggests the elements of the claim. Claims 3, 7, 11, 15, 19, 23, 26, and 30 depend from independent claims 1, 9, 17, 20 and 27. Thus, these dependent claims incorporate each of the limitations of those independent claims as amended. Therefore, at least for the reasons mentioned above in regard to the independent claims, the cited reference fails to teach or suggest each of the elements of these claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

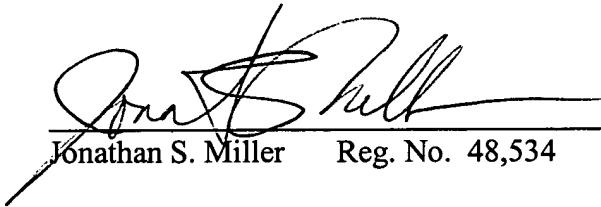
## **CONCLUSION**

In view of the foregoing, it is believed that all claims now pending, namely claims 1-30, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If Examiner believes that a telephone conference would be useful in moving the application forward to allowance, Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 2/28, 2007



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### **CERTIFICATE OF MAILING:**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Annie McNally 02/28/2007  
Annie McNally      Date

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